REMARKS

Upon entry of this First Response, claims 1-22 are pending in this application. Claims 10-12 and 16-17 have been amended. Furthermore, claims 18-22 are newly added. It is believed that the foregoing amendments add no new matter to the present application and place the application in condition for allowance.

Response to §103 Rejections

Claims 1-3, 4-12, and 14-17 presently stands rejected under 35 U.S.C. §103 as allegedly unpatentable over *Kinjo* in view of *Wang*, and claims 4 and 13 stand rejected under 35 U.S.C. §103 as allegedly unpatentable over *Kinjo* and *Wang* in view of *Lobo*. Applicants respectfully assert that *Wang* is not a proper prior art reference under 35 U.S.C. §103. Therefore, the aforementioned rejections of claims 1-17 are improper and should be withdrawn.

In this regard, according to 35 U.S.C. §103(c):

> "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Submitted herewith is a Statement under 35 U.S.C. §103 establishing that the claimed inventions of the instant application and the subject matter of *Wang* were, at the time the claimed inventions were made, owned by or subject to an obligation of assignment to Hewlett-Packard Development Company, L.P. Thus, *Wang* may not be used as a prior art reference to reject the claimed inventions of the instant application under 35 U.S.C. §103. For at least this reason, Applicants respectfully request that the 35 U.S.C. §103 rejections of claims 1-17 be withdrawn.

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Claim 18

Claim 18 is newly added and reads as follows:

>18.   An automatic image enhancing system, comprising:
>memory configured to store digital data representative of a
>graphical image;
>a face detector configured to automatically identify facial
>data in said digital data; and
>an image enhancer configured to automatically locate a
>portion of said facial data defining a skin blemish, said image
>enhancer further configured to manipulate said portion for enhancing
>an appearance of said skin blemish within said graphical image.

Applicant submits that the cited art fails to teach or suggest each of the features of claim 18 set forth hereinabove. Accordingly, Applicant asserts that claim 18 is allowable.

Claims 19 and 20

Applicant submits that the pending dependent claims 19 and 20 contain all features of their respective independent claim 18. Since claim 18 should be allowed, pending dependent claims 19 and 20 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 21

Claim 21 is newly added and reads as follows:

>21.   An automatic image enhancing method, comprising:
>storing digital data representative of a graphical image;
>automatically identifying facial data in said digital data;
>automatically locating a portion of said facial data defining a skin
>blemish; and
>manipulating said portion for enhancing an appearance of said
>blemish within said graphical image.

Applicant submits that the cited art fails to teach or suggest each of the features of claim 21 set forth hereinabove. Accordingly, Applicant asserts that claim 21 is allowable.

Claim 22

Applicant submits that the pending dependent claim 22 contains all features of its respective independent claim 21. Since claim 21 should be allowed, pending dependent claim 22 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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<div align="right">PATENT</div>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:)	
Robert E. Sobol)	
)	
Serial No.: 09/749,165)	Art Unit: 2623
)	
Filed: December 27, 2000)	Examiner:. Tucker, Wes
)	
For: SYSTEM AND METHOD FOR)	Docket No.: 10003840-1
AUTOMATICALLY ENHANCING)	
GRAPHICAL IMAGES)	

STATEMENT UNDER 35 U.S.C. §103(c)

The subject matter of U.S. Patent No. 6,278,491 and the claimed invention or inventions of

the above-identified application were, at the time such claimed invention or inventions were made,

owned by or subject to an obligation of assignment to Hewlett-Packard Development Company,.

L.P.

Respectfully submitted ,

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